

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>vs.</b>	)	<b>NO. EP-07-CR-2236-PRM</b>
	)	
<b>CLINTON UDET PINCKERT,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR PSYCHIATRIC EVALUATION TO DETERMINE  
COMPETENCY OF DEFENDANT FOR PURPOSE OF STANDING  
TRIAL**

Comes now the United States of America, by and through the U.S. Attorney for the Western District of Texas, and moves this Court pursuant to 18 U.S.C. §4241 for an order directing that **CLINTON UDET PINCKERT**, receive a psychiatric evaluation to determine his competency for purpose of standing trial in the above cause. The Government requests that the Defendant be examined by a qualified psychiatry and/or psychology professional to determine:

- (1) Whether Defendant presently is suffering from a psychosis or mental disease or defect;
- (2) Whether Defendant presently has a rational, as well as factual, understanding of the proceedings against him; and
- (3) Whether Defendant presently has sufficient ability to consult with his attorney and to assist in his own defense with a reasonable degree of rational understanding.

Wherefore, premises considered, the Government prays that this motion be granted.

Respectfully submitted,

JOHNNY SUTTON  
UNITED STATES ATTORNEY

BY: /S/  
JUANITA FIELDEN  
Assistant U.S. Attorney  
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## CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2007, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Robert J. Perez  
Attorney at Law  
210 N. Campbell St.  
El Paso, Texas 79901

/S/  
JUANITA FIELDEN  
Assistant U.S. Attorney

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<b>CLINTON UDET PINCKERT,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

On this day, the Court considered the Government's Motion for Psychiatric Evaluation to Determine Competency of Defendant for Purposes of Trial, and after due consideration, the Court is of the opinion that the Motion should be granted.

Accordingly, IT IS HEREBY ORDERED that Government's Motion for Psychiatric Evaluation to Determine Competency of Defendant for Purpose of Standing Trial is GRANTED.

IT IS FURTHER ORDERED that Defendant be examined under the provisions of 18 U.S.C. §4241 by Dr. David Briones, 4615 Alameda, El Paso, Texas 79905, to establish and set forth the following specific findings in a written report ("Report"):

- (1) Whether Defendant presently is suffering from a psychosis or mental disease or defect and
- (2) Whether Defendant presently has a rational, as well as factual, understanding of the proceedings against him.

- (3) Whether Defendant presently has sufficient ability to consult with his attorney and to assist in his own defense with a reasonable degree of rational understanding.

IT IS FURTHER ORDERED that the Report be submitted to the Clerk of the Court, who will stamp it "Received." After making the necessary docket entries, the Clerk shall deliver the original Report to the Court and distribute copies of the Report to the United States Attorney, defense counsel, and to the United States Probation Office.

IT IS FURTHER ORDERED that the Clerk of the Court provide a certified copy of the instant Order to the United States Marshals Service without delay.

IT IS FURTHER ORDERED that the United States Marshals Service immediately make appropriate arrangements for Defendant to undergo the examination.

IT IS FINALLY ORDERED that the costs of the examination be paid by the Office of the United States Attorney for the Western District of Texas.

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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PHILIP R. MARTINEZ  
UNITED STATES DISTRICT JUDGE